

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1769 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

AJMERI RAHIMABAHEN ABIDHUSEN

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 1769 of 2002
MR MRUGEN K PUROHIT for Petitioner No. 1
MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 05/02/2002

ORAL JUDGEMENT

Rule. Mr.D.N.Patel waives service of rule on behalf of respondent. By consent rule is fixed forthwith.

Heard Mr.Purohit for the petitioner and Mr.D.N.Patel for the respondent. During hearing I was taken through the petition and the documents attached thereto. The petitioner in this petition has prayed that the respondent - authority be directed to issue a passport with the correct date of birth of the petitioner, as according to the petitioner the birth date of the petitioner is 19.10.1958 and she relies upon the extract from the birth Register of the Municipal Corporation of Ahmedabad. As per the said extract, the birth date of the petitioner is shown as 19.10.1958 and the same was also registered with the said authority on 20.10.1958. In the School Leaving Certificate issued by Vishwabharti High School, Ahmedabad on 12.6.78, the date of birth is shown as 19.10.1958. However, in words, it is mentioned as Nineteenth October Nineteen fifty nine. The petitioner has applied for passport earlier, which was issued by the authority on 14.10.88 and in the said passport the date of birth of the petitioner was shown as 19.10.1959. After expiry of the said passport, the petitioner has approached the authority and the respondent authority has issued passport on 23.2.2001 showing the birth date of the petitioner as 19.10.1959. It is very likely that the petitioner must have relied upon the document, namely, the School Leaving Certificate and the passport authority has, accordingly relying upon that document, mentioned the date of birth of the petitioner as 19.10.1959. It is the case of the petitioner that the petitioner has approached the School authority for correcting the mistake as in words the year of the birth was wrongly shown, though in figure the date of birth of the petitioner was correctly mentioned. Accordingly the School authority has also corrected the birth date by issuing fresh Certificate on 17.1.2002 wherein the petitioner's birth date was shown as 19.10.1958 and in words also the year is correctly mentioned. Accordingly the petitioner has approached the respondent authority by making an application on 29.1.2002 with a request to effect change of date of birth in the passport issued on 23.2.2001.

It is the case of the petitioner that the petitioner was orally informed by the respondent authority that unless and until the order from the court is obtained, it will not be possible to correct the mistake in the passport issued by the authority. The application dated 29.1.2002 is very much pending before the authority. In view of the fact that now the petitioner has got the corrected date of birth, showing the petitioner's birth date as 19.10.1958 and in view of the fact that the petitioner's birth date was shown in

the Corporation record as 19.10.1958, which was registered on 20.10.1958, the authority shall consider the request made by the petitioner and examine the document, namely, School Leaving Certificate and effect the change as required by the petitioner by issuing fresh passport. The respondent - authority is also entitled to levy charges for such issuance of passport. With these observations, the petition is allowed. Rule is made absolute in the above terms. Direct service is permitted.

Dt:5.2.2002 (D.K.Trivedi,J)

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